

FILED**MAY 16 2024**CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
SAN JOSE OFFICE

1 Your Name: Karina Safari

2 Address: 4347 Conejo Dr

3 Danville, CA 94506

4 Phone No.: (310) 994-9710

5 E-mail: karina.safari@gmail.com

6 Pro Se Defendant

7

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 Division [check one]: ☐ San Francisco ☐ Oakland ☒ San Jose ☐ Eureka

11

12

13

14 Tim Laman

15 Plaintiff,

16 vs.

17 Safarika Travel Inc.

18 Karina Safari, Owner & Registered agent

19 Defendant.

Case Number: 5:23-cv-5985-EJD

ANSWER

Check only if you include a Counterclaim or Crossclaim:

☐ **AND COUNTERCLAIM**

☐ **AND CROSSCLAIM**

DEMAND FOR JURY TRIAL [check one]

☐ Yes

☒ No

Judge: Hon. Edward J Davila

1. Responses to the Claims in the Complaint

Each paragraph of the Complaint should be numbered. Read each paragraph carefully.

- If everything in the paragraph is false, do not write that paragraph number anywhere. The first paragraph of this Answer denies everything that is not specifically admitted.
- If everything in the paragraph is true, write that paragraph number in Section B, below.
- If you don't know whether the paragraph is true or not, write that paragraph number in Section C, below.
- If the paragraph is partly true and partly false, write that paragraph number in Section D below and explain which specific parts of the paragraph are true.
- Use more pages if needed.

ANSWER

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[JDC TEMPLATE – Rev. 2017]

1 A. Defendant **denies** each and every allegation in the Complaint except those
2 specifically admitted in this Answer.

3 B. Defendant **admits** all of the allegations in the following paragraphs:
4 2, 11, 13, 14, 15, 16, 17
5 _____
6 _____

7 C. Defendant **does not know** or have enough information to form a belief as to whether
8 the allegations in the following paragraphs are true:
9 1, 3, 4, 5, 6,7,8,9,10,12, 20,21,23, 24
10 _____
11 _____

12 D. Defendant **admits only parts** of each paragraph below, and denies or does not know
13 enough to say whether the rest of the paragraph is true. *[Use more pages if needed]:*

14 Paragraph ____: I admit only that _____
15 _____
16 _____

17 Paragraph ____: I admit only that _____
18 _____
19 _____

20 Paragraph ____: I admit only that _____
21 _____
22 _____

23 Paragraph ____: I admit only that _____
24 _____
25 _____

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ANSWER

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2. Affirmative Defenses

State any factual or legal reasons that the Plaintiff cannot win all or part of this case. Provide enough detail so the Plaintiff and Court will understand your defense. Look at the instruction sheet of this form for examples. If you are not sure about your defenses, make an appointment at the Legal Help Center. Use more pages if needed.

Affirmative Defense 1. Defendant placed a copy of 1 digital image in low resolution on third-party platform as an illustration for the tourist destination of Galapagos islands.

The Copyright registration date of the image is May 23, 2022. The webpage featuring the image was publicly visible till May 26, 2018. After that date it was deactivated and archived

Affirmative Defense 2. Upon the receipt of infringement notification on May 8, 2023 the Defendant took an immediate action to remove the image from platform's archives. The respectful response with explanation was sent by Defendant to Plaintiff's attorney by email. The Plaintiff attorney continued pursuit the Defendant via various means demanding an amount of USD 30.000 within 14 days otherwise enforcing the complaint to the court.

Affirmative Defense 3. The Defendant admits, that the tour featuring the image, was never organized or sold, gained USD 0 (zero) of financial profit at all times. This fact can be supported by reports and statements from third-party platform. The trip was not technically available for booking anytime after May 26, 2018, being deactivated and archived in internal page.

Affirmative Defense 4. The presence of image on digital platforms accessed by Plaintiff was a result of automated processes commonly used in website operations, and not the result of publications or reproduction by the Defendant. The automated processes such as indexing by search engines, are standard across internet and do not consider willful reproduction of copyrighted material by webpage owners. Indexing can access internal pages, not meant for promotion

Affirmative Defense 5. The Defendant requested the licence and the proof of damages related to the particular image infringement case. The requested documents were not presented. The Defendant also made an effort to reach the settlement on 02/29/2024, but the amount offered by Defendant was not accepted by Plaintiff. The required amount significantly exceeds the Defendant's offer. The parties haven't reached any agreement by the moment yet.

ANSWER

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Demand for Relief

WHEREFORE, Defendant demands:

- ☒ That the Court enter judgment dismissing the Complaint;
- ☒ That Defendant be awarded costs incurred;
- ☒ That Defendant be awarded such other and further relief as the Court may deem just;
- ☐ [If you filed a counterclaim or crossclaim, explain what you would like the Court to do]:

☐ Other [explain]: _____

Demand for Jury Trial

Check one box to show whether you would like a jury to decide your case, if allowed.

- ☐ Yes
- ☒ No

If more than one Defendant is included in this Answer, each must sign and date below. Attach another page if you need to.

Respectfully submitted,

Date: 05/15/2024

Signature: _____

Printed name: Karina Safari

Pro Se Defendant

ANSWER

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[JDC TEMPLATE – Rev. 2017]

Justice Diversity
CENTER
OF THE BAR ASSOCIATION OF SAN FRANCISCO

FILED**MAY 16 2024****CERTIFICATE OF SERVICE**

You must serve each document you file by sending or delivering to the opposing party, outside the Court, this form, and include it with the Answer that you file and serve.* **COURT DISTRICT OF CALIFORNIA SAN JOSE OFFICE

1. **Case name** [write Plaintiff's name on the first line, and your name on the second line]:

Tim Laman

Safarika Travel Inc.

v.

2. **Case number:** 5:23-cv-5985-EJD

3. **Document served:** Answer [if you added a claim of your own, check the box for that claim]

☐ Counterclaim☐ Crossclaim

4. **How was the Answer served?** [check one]

☒ Placed in U.S. Mail☐ Hand-delivered☐ Sent for delivery (e.g., FedEx, UPS)☐ Sent by fax (if the other party has agreed to accept service by fax)

5. **To whom was the Answer sent?** [For each person you sent the document, write their full name and contact information used.]

Judge Edward J Davila

Lauren M. Hausman

San Jose Court, US District Court

Copy Cat legal PLLC

Northern district of California

14 N. San Vicente Blvd, Ste 232

San Jose Division

Beverly Hills, CA 90211

6. **When was the Answer served?** May 15th, 2024

7. **Who served the Answer?** [Whoever puts it into the mail, faxes, delivers or sends for delivery should sign, and print their name and address. You can do this yourself.]

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Signature:

Karina Safari

Name:

Address:

4347 Conejo Dr,

Danville, CA 94506

CERTIFICATE OF SERVICE [JDC TEMPLATE Rev. 2017]